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EXAMINER

YOUNG, JOHN L

ART UNIT

PAPER NUMBER

3622

DATE MAILED: 07/03/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.  
**09/469,993**

Applicant(s)  
**Behar et al.**

Examiner  
**John Young**

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**3622**



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on May 5, 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-3, 8-17, 19-22, 27, and 29-36 is/are pending in the application.
- 4a) Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 8-17, 19-22, 27, and 29-36 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claims \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.  
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some\* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\*See the attached detailed Office action for a list of the certified copies not received.

- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).  
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). \_\_\_\_\_ 6) ☐ Other:

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## **FINAL REJECTION**

**(Paper#21)**

### **REQUEST FOR CONTINUED EXAMINATION (RCE)**

1. **The request for continued examination (RCE) filed on 05/05/2003, paper#18, under 37 CFR 1.114 based on parent Application No. 09/469,993 is acceptable and an RCE has been established. An action on the RCE, paper#18 and Amendment B, paper#19 follows:**

### **DRAWINGS**

2. This application has been filed with drawings that are considered informal; however, said drawings are acceptable for examination and publication purposes. The review process for drawings that are included with applications on filing has been modified in view of the new requirement to publish applications at eighteen months after the filing date of applications, or any priority date claimed under 35 U.S.C. §§119, 120, 121, or 365.

### **CLAIM REJECTIONS — 35 U.S.C. §112 ¶2**

3. **Rejections Withdrawn.**

### **REVISED CLAIM REJECTIONS — 35 U.S.C. §103(a)**

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

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4. Independent claim 1 is rejected under 35 U.S.C. §103(a) as being unpatentable over Walker et al. 5,945,653 (08/31/1999) [US f/d: 06/16/1997](herein referred to as "Walker").

As per claim 1, Walker (col. 3, ll. 65-67; and col. 4, ll. 1-12) discloses  
*"settlement of the consumer's charge made with the merchant."*

Walker (FIG. 8B) discloses computerized online "*CREDIT CARD*" transactions.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses *"programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on chardholder billing statements. . . . Once a cardholderl's historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating 'preferred customer.' The merchant can then discount the purchase at the pos."* The Examiner interprets this disclosure as showing "said rebate not affecting said at least one of said credit card transactions that complies with said pre-defined program rules."

Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; FIG. 8B; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41;

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col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 651-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 17, ll. 39-65; col. 2, ll. 54-67; and col. 3, ll. 1-9) shows elements that suggest “A computerized system for implementing a credit card program rewarding use of a credit card by the credit card holder, comprising . . . a credit card issued by an issuer to a holder, said credit card representing an available line of credit from said issuer for said holder and providing means for said issuer to settle one or more credit card transactions of said holder . . . a data-processing computer, said computer including a database, said database storing a holder ID and a current balance associated with said holder, said current balance including a sum of all said credit card transactions and any finance or other charges minus any payments by said holder to said issuer and any refunds or other credits . . . a rebate tally for said holder stored in said database, said rebate tally including a portion of said sum of all said credit card transactions minus any rebate payments paid by said issuer to said holder . . . said computer further including means for determining whether at least one of said credit card transactions made by said holder complies with a set of pre-defined program rules; and . . . a rebate from said issuer to said holder automatically accounted for in said database in response to at least one of said credit card transaction made by said holder complies with said predefined program rules, said rebate not affecting said at least one of said credit card transactions that complies with said pre-defined program rules.”

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Walker lacks an explicit recitation of “said database storing a holder ID. . . .” It would have been obvious to a person of ordinary skill in the art at the time of the invention that the “CARDHOLDER ACCOUNT NUMBER” disclosure of Walker (FIG. 2; and FIG. 3) would have been selected in accordance with “said database storing a holder ID. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 2, Walker shows the system of claim 1.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.*” The Examiner interprets this disclosure as showing “at least one of said credit card transactions that complies with said pre-defined program rules and said rebate tally.”

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Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 17, ll. 39-65; **and col. 3, ll. 1-9**) shows the elements and limitations of claim 2.

Walker lacks an explicit recitation of **“at least one of said credit card transactions that complies with said pre-defined program rules and said rebate tally. . . .”**, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 17, ll. 39-65; **and col. 3, ll. 1-9**) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 2, ll. 53-67; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 15, ll. 37-50; col. 17, ll. 39-65; **and col. 3, ll. 1-9**) would have been selected in accordance with: “wherein said rebate is the lesser of a portion of **at least one of said credit card transactions that complies with said pre-defined program rules and said rebate tally. . . .**” because such selection would have provided ““*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 3, Walker shows the system of claim 1.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses *“programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.”* The Examiner interprets this disclosure as showing **“one or more credit card transactions include purchase transactions. . . .”**

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 3.

Walker lacks an explicit recitation of the elements and limitations of claim 3, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-



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65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said** portion of said sum of all said **credit card** purchase transactions is one of a fixed percentage of said sum of all said **credit card** purchase transactions, a variable percentage of said sum of all said **credit card** purchase transactions based on said sum of all said **credit card** purchase transactions incurred in a fixed period of time and a variable percentage of said sum of all said **credit card** purchase transactions based on a time of year. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 8, Walker shows the system of claim 1.

**Walker** (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders.*

*With these programs, merchants can track AMERICAN EXPRESS cardholder*

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*purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder's historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating 'preferred customer.' The merchant can then discount the purchase at the pos." The Examiner interprets this disclosure as showing "one or more credit card transactions include purchase transactions. . . ."*

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; ; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests the elements and limitations of claim 8.

Walker lacks an explicit recitation of the elements and limitations of claim 8, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; ; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) suggests same.

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It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; ; col. 3, ll. 1-9; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; col. 15, ll. 62-67; col. 16, ll. 1-20 and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said** portion of said sum of all said **credit card** purchase transactions is a fixed percentage of said portion of said sum of all said **credit card** purchase transactions up to a maximum rebate incurred in a fixed period of time. . . .” because such selection would have provided “benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).

As per claim 10, Walker shows the system of claim 1.

**Walker** (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s*

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*historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating 'preferred customer.' The merchant can then discount the purchase at the pos."* The Examiner interprets this disclosure as showing "one or more credit card transactions include purchase transactions, and said credit card purchase transactions include at least one of purchasing goods from a particular retailer . . . to comply with said pre-defined program rules. . . ."

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 10.

Walker lacks an explicit recitation of the elements and limitations of claim 10, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-

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21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said credit card** purchase transactions include at least one of purchasing goods from a particular retailer, purchasing goods from any one of several retailers and purchasing goods from any one of several retailers at a particular location **to comply with said pre-defined program rules**. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 11, Walker shows the system of claim 1.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.*” The Examiner interprets this disclosure as showing “**one or more credit card**

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**transactions include purchase transactions, and said** portion of said **sum of all said credit card** purchase transactions . . . [and] **at least one of said credit card . . . transactions . . . complies with said pre-defined program rules.**”

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 11.

Walker lacks an explicit recitation of the elements and limitations of claim 11, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; FIG. 9; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said** portion of said **sum of all said credit card** purchase transactions is one of a fixed amount and a percentage of said **at least one of said credit card** purchase transactions that **complies with said pre-defined program rules. . . .**”

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because such selection would have provided ““benefits to credit card issuers, merchants, and consumers.” (See Walker (col. 3, ll. 40-50)).

As per claim 12, Walker shows the system of claim 2.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.*” The Examiner interprets this disclosure as showing “one or more credit card transactions include purchase transactions, and said portion of said sum of all said credit card purchase transactions . . . [and] at least one of said credit card . . . transactions . . . complies with said pre-defined program rules.”

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67;

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col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 12.

Walker lacks an explicit recitation of the elements and limitations of claim 12, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said** portion of said **sum of all said credit card purchase transactions** is a fixed percentage of said **at least one of said credit card purchase transactions** that **complies with said pre-defined program rules. . .**” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).



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As per claim 13, Walker shows the system of claim 1.

Walker (FIG. 3) discloses: “*ORIGINAL CREDIT LINE*” and “*AVAILABLE CREDIT LINE*”. The Examiner interprets this disclosure as showing “at least one of cash advances made to said holder from said issuer and transfers of credit balances of said holder to said current balance. . . .”

Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 13.

Walker lacks an explicit recitation of the elements and limitations of claim 13, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (FIG. 5; col. 3, ll. 40-51; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; and col. 15, ll. 37-50) would have been selected in accordance with: “wherein said one or more credit card transactions include at least one of cash advances made to said holder from said issuer and transfers of credit balances of said holder to said current balance, said rebate tally including at least a portion of at least one of case advances made to said holder from said issuer and transfers of credit

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balances of said holder to said current balance. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

As per claim 14, Walker shows the system of claim 1.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.*” The Examiner interprets this disclosure as showing “one or more credit card transactions include purchase transactions, and said credit card purchase transactions include at least one of purchasing and leasing a particular type of goods from any manufacturer of said particular type of goods to comply with said pre-defined program rules. . . .”

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Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 14.

Walker lacks an explicit recitation of the elements and limitations of claim 14, even though Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said **“one or more credit card transactions include purchase transactions, and said credit card purchase transactions include at least one of purchasing and leasing a particular type of goods from any manufacturer of said particular type of goods to comply with said pre-defined program rules. . . .”**because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 15, Walker shows the system of claim 1.

Walker (col. 2, ll. 54-67; and col. 3, ll. 1-9) discloses “*programs that use credit card transaction processing systems to deliver enhanced value to their cardholders. With these programs, merchants can track AMERICAN EXPRESS cardholder purchase behavior and then reward customers for their loyalty based on that behavior. The EXPRESS REWARDS program automatically discounts purchase amounts at a cash register while the CUSTOMER EXTRAS program alerts cardholders to savings from particular merchants on cardholder billing statements. . . . Once a cardholder’s historical transaction data meets the pre-defined preference parameters, AMERICAN EXPRESS notifies the merchants via a pos system by transmitting a message indicating ‘preferred customer.’ The merchant can then discount the purchase at the pos.*” The Examiner interprets this disclosure as showing “one or more credit card transactions include purchase transactions, and said credit card purchase transactions include at least one of purchasing . . . to comply with said pre-defined program rules. . . .”

Walker (col. 17, ll. 14-38; col. 3, ll. 1-9; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements

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and limitations of claim 15. In this case the Examiner interprets the “big ticket items” as suggesting a car.

Walker lacks an explicit recitation of the elements and limitations of claim 15, even though Walker (col. 17, ll. 14-38; **col. 3, ll. 1-9**; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; and col. 2, ll. 18-36) would have been selected in accordance with: “wherein said **one or more credit card transactions include purchase transactions, and said credit card purchase transactions include at least one of purchasing a new car, purchasing a used car, leasing a new car and leasing a used car to comply with said pre-defined program rules. . . .**” purchase transaction is one of purchasing a new car, purchasing a used car, leasing a new car and leasing a used car. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 16, Walker shows the system of claim 15.

Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 16. In this case the Examiner interprets the “big ticket items” as suggesting a car.

Walker lacks an explicit recitation of the elements and limitations of claim 16, even though Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; col. 2, ll. 18-36; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 17, ll. 14-38; col. 3, ll. 52-65; col. 14, ll. 61-67; col. 15, ll. 1-20; col. 1, ll. 55-67; and col. 2, ll. 18-36) would have been selected in accordance with: “wherein said pre-defined program rules include requiring said holder to provide a sales receipt and a change of title of said car to said issuer. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 17, Walker shows the system of claim 1.

Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 17.

Walker lacks an explicit recitation of the elements and limitations of claim 17, even though Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; col. 5, ll. 15-27; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 3, ll. 65-67; col. 4, ll. 1-12; col. 4, ll. 45-67; and col. 5, ll. 15-27 ) would have been selected in accordance with: “a second credit card issued by said issuer to a second holder **to effect one or more credit card transactions;** said **credit card** transactions of said second holder **being** added to said rebate tally. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

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As per claim 19, Walker shows the system of claim 1.

Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15; the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests the elements and limitations of claim 19.

Walker lacks an explicit recitation of the elements and limitations of claim 19, even though Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15 the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) suggests same.

It would have been obvious to a person of ordinary skill in the art at the time of the invention that the disclosure of Walker (col. 9, ll. 31-65; col. 3, ll. 65-67; col. 10, ll. 5-21; col. 10, 61-67; col. 5, ll. 1-15 the ABSTRACT; FIG. 1; FIG. 2; FIG. 3; FIG. 5; FIG. 6; FIG. 7A; FIG. 7B; FIG. 7C; FIG. 8A; FIG. 9; col. 1, ll. 1-41; col. 2, ll. 53-67; col. 3, ll. 52-65; col. 3, ll. 40-51; col. 4, ll. 45-67; col. 5, ll. 1-15; col. 10, ll. 5-21; col. 10, ll. 60-67; col. 11, ll. 1-2; col. 15, ll. 37-50; and col. 17, ll. 39-65) would have been selected in accordance with: “wherein said rebate from said issuer to said holder **is in the form of** at least one of a check forwarded to said holder from said issuer and a credit to said current



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balance of said holder. . . .” because such selection would have provided “*benefits to credit card issuers, merchants, and consumers.*” (See Walker (col. 3, ll. 40-50)).

Claim 20 is rejected for substantially the same reasons as claim 1.

Claim 21 is rejected for substantially the same reasons as claim 2.

Claim 22 is rejected for substantially the same reasons as claim 3.

Claim 27 is rejected for substantially the same reasons as claim 8.

Claim 29 is rejected for substantially the same reasons as claim 10.

Claim 30 is rejected for substantially the same reasons as claim 11.

Claim 31 is rejected for substantially the same reasons as claim 12.

Claim 32 is rejected for substantially the same reasons as claim 13.

Claim 33 is rejected for substantially the same reasons as claim 14.

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Claim 34 is rejected for substantially the same reasons as claim 15.

Claim 35 is rejected for substantially the same reasons as claim 16.

Claim 36 is rejected for substantially the same reasons as claim 17.

Claim 38 is rejected for substantially the same reasons as claim 19.

## **RESPONSE TO ARGUMENTS**

5. Applicant's arguments (Amendment B, paper#19, filed 05/05/2003) concerning the rejections in the prior Office Action have been considered but are not persuasive for the following reasons:

Applicant's arguments/request for reconsideration (Amendment B, paper#19, pp. 12-15) allege that the reference fails to show certain features of Applicant's invention; however, it is noted that certain features upon which Applicant relies (for example: "making qualifying purchases. . . ." and "the credit card rebate rewards program according to the present invention avoids the need for traditional partnerships with providers of goods and services; that is, for example, the card issuer need not be involved in any co-branding arrangement or the like with any particular provider of goods; and services. . . ." and "without affecting a given (point-of-sale) transaction or the credit card account relative to such transaction. . . .") are not recited in the rejected claim(s).

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Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant's arguments and request for reconsideration (Amendment B, paper#19, p. 16, ll. 1-4) allege that the prior Office Actions fail to establish a *prima facie* case of obviousness concerning the claims in the instant application. This is not the case.

The test for obviousness is not whether the claimed invention must be expressly suggested in any one or all of the references. Rather, the test is what the teachings of the references would have suggested in the broadest interpretation to those of ordinary skill in the art. The examiner recognizes that obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Also, it is well settled in the law that a reference may be relied upon for all that it would have reasonably suggested to one having ordinary skill in the art, including non-preferred embodiments. (See *Merck & Co. Inc. V. Biocraft Laboratories Inc.*, 10 USPQ2d 1843 (CAFC 1989); in this case, the Examiner's interpretation modifying the teachings of the Walker reference would have reasonably suggested to a person of

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ordinary skill in the art at the time of the invention all of the elements of the instant invention; furthermore, motivation to modify the Walker reference is found in the reference itself.

Applicant's arguments and request for reconsideration (Amendment B, paper#19, p. 16, ll. 5-23; and p. 17, ll. 1-7) allege that the prior Office Action obviousness rejections are based upon improper hindsight reasoning. This is not the case.

It must be recognized that any judgment on obviousness is in a sense necessarily a reconstruction based upon hindsight reasoning. But so long as it takes into account only knowledge which was within the level of ordinary skill at the time the claimed invention was made, and does not include knowledge gleaned only from the applicant's disclosure, such a reconstruction is proper. See *In re McLaughlin*, 443 F.2d 1392, 170 USPQ 209 (CCPA 1971). In this case, the prior Office Action relies upon the disclosure of the prior art reference and all that such disclosure would have reasonably suggested, as well as, the level of ordinary skill in the art at the time of the claimed invention and does not include knowledge gleaned only from the Applicant's disclosure.

In response to Applicant's arguments and request for reconsideration concerning Official Notice evidence (Amendment B, paper#19, p. 17, ll. 8-23; and p. 18, ll. 1-10) which requests "the Examiner either withdraw such statements or provide appropriate evidence supporting the statements and/or an affidavit. . . ." please note that no Official

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Notice evidence was relied upon in the obviousness rejections of the prior Office Action (paper#16); furthermore, Applicant's response (Amendment A, paper#13) had already successfully traversed the Official Notice evidence of the first Office Action (paper#12) and Office Action (paper#16) obviousness rejections of the claims at issue relied upon the Walker reference in place of Official Notice evidence. Therefore, Applicants arguments now requesting supporting references and/or an affidavit are moot.

Based on the above reasons, the pending claims 1-3, 8-17, 19-22, 27, 29-36 & 38 stand rejected.

**THIS ACTION MADE FINAL**

This action is final based on new ground(s) of rejection necessitated by Applicant's Amendment.

Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR

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1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

### CONCLUSION

6. Any response to this action should be mailed to:

Box AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Any response to this action may be sent via facsimile to either:

(703)305-7687 (for formal communications EXPEDITED PROCEDURE) or

(703) 305-7687 (for formal communications marked AFTER-FINAL) or

(703) 746-7240 (for informal communications marked PROPOSED or DRAFT).

Hand delivered responses may be brought to:

Seventh Floor Receptionist  
Crystal Park V  
2451 Crystal Drive  
Arlington, Virginia.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to John L. Young who may be reached via telephone at (703) 305-3801. The examiner can normally be reached Monday through Friday between 8:30 A.M. and 5:00 P.M.

Serial Number: 09/469,993

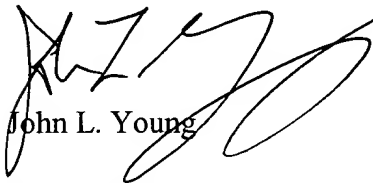
(Behar et al.)

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber, may be reached at (703) 305-8469.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

A handwritten signature in black ink, appearing to read 'JL Young', is written over the printed name.

John L. Young  
Patent Examiner

June 30, 2003